

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAS HEZEKIAH TAFARI,

Plaintiff,

v.

YVETTE RUCKER, et al.,

Defendants.

No. 2:22-cv-01666-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S RULE 60 MOTION

(Doc. Nos. 17, 21)

Plaintiff Ras Hezekiah Tafari, proceeding *pro se*, initiated this civil action on September 22, 2022. (Doc. No. 1.) This action was dismissed on April 3, 2024 due to plaintiff's failure to state a cognizable claim for relief. (Doc. No. 10.) On October 17, 2024, plaintiff filed a Rule 60 motion for relief from judgment. (Doc. No. 17.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (Doc. No. 18.)

On November 20, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's Rule 60 motion for relief from judgment be denied. (Doc. No. 21.) Specifically, the magistrate judge found that plaintiff presents no newly discovered evidence, no intervening change in controlling law, and does not demonstrate that the court committed clear error. (*Id.* at 2.) As a result, the magistrate judge concluded that plaintiff had failed to demonstrate any basis for reconsideration of the court's April 3, 2024 order dismissing the case. (*Id.*) The pending findings and recommendations were served upon plaintiff

1 and contained notice that any objections thereto were to be filed within fourteen (14) days of the
2 date of service. (*Id.*) On December 4, 2024, plaintiff timely filed objections to the pending
3 findings and recommendations.

4 In his objections, plaintiff primarily repeats the arguments made in his motion for relief
5 from judgment, which the magistrate judge already appropriately and thoroughly addressed in the
6 pending findings and recommendations. (Doc. No. 22.) To the extent that plaintiff cites legal
7 precedent in his objections, the authorities cited do not reflect an intervening change in the
8 controlling law because the cited cases were all decided prior to the order dismissing this case on
9 April 3, 2024. (*Id.* at 1–2) (citing *Groff v. DeJoy*, 600 U.S. 447, 468–71 (2023)). In short,
10 plaintiff’s objections provide no basis upon which to reject the pending findings and
11 recommendations.

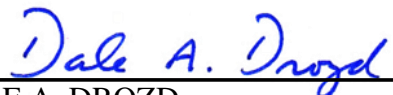
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
13 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
14 pending findings and recommendations are supported by the record and proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued on November 20, 2024 (Doc. No. 21)
17 are adopted in full; and
- 18 2. Plaintiff’s motion for relief from judgment (Doc. No. 17) is denied.

19 IT IS SO ORDERED.

20 Dated: January 17, 2025

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22 DALE A. DROZD
23 UNITED STATES DISTRICT JUDGE
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